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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,108	03/25/2002	Mitsuhiro Higashino	108287-00008	5530

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 08/12/2004 3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,108

Applicant(s)

HIGASHINO ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/3-25-2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application Filed: 03/25/2002.
2. Independent Claim 1, and dependent claims 2-4 are pending in the case.
3. The present title of the application is "Portable terminal".

NON-FINAL ACTION

Claim Rejections - 35 USC § 103

◆ The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

◆ Claims 1-4 are rejected under 35 U.S.C.103(a) as being unpatentable over Jesadanont U. S. Patent 5451758 in view of Everett U. S. Patent 5857152, and further in view of Yoshida U. S. Patent 6658392.

4. Regarding claim 1, Jesadanont discloses an automatic toll collection unit which has a function as an on-board machine in an electronic toll collection system and transmits and receives automatic toll collection information related to automatic toll collection to and from a radio equipment installed at a tollgate via radio wave in a specific frequency band (see for example, column 3, lines 37-52,

column 4, lines 8-15, column 5, lines 16-29, and lines 45-48, the automatic toll collection transmit and receives automatic toll and the information is collected automatically via radio wave).

However, Jesadanont does not disclose a portable phone unit which performs processing related to a portable phone via a radio wave a different frequency band, and a control unit which controls switching between the function of the portable phone unit and the function of the automatic toll collection unit.

Everett discloses a portable phone unit which performs processing related to a portable phone via a radio wave a different frequency band (see for example, column 2, lines 15-20, and lines 64-67 continued to column 3, lines 1-17, the)

However, Everett does not disclose a controls switching between the function of the portable phone unit and the function of the automatic toll collection unit

Yoshida discloses a controls switching in-vehicle unit to active communication operation mode (see for example, column 4, lines 31-36)

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Yoshida's automatic toll collection operational control switch (Yoshida, column 4, lines 31-36) with Everett's electronic toll mobile telephone (Everett, column 2, lines 15-20) and with Jesadanont's automatic collection of expressway toll (Jesadanont, column 3, lines 37-40) to provide "an automatic system for collection of toll from a vehicle moving at a normal driving speed along a roadway" (Jesadanont, column 3, lines 38-40) and to provide a system with portable phone unit (Everett, column 2, lines 15-20) and

to provide "an improved automatic toll collection system capable of troubleshooting an electronic toll paying unit installed in a vehicle and/or a toll collecting unit installed in a toll booth" with a control switch in-vehicle unit to active communication operation mode (Yoshida, column 1, lines 31-33, and column 4, lines 31-36), and "to provide a system which is very simple, convenient and can be very easily handled and maintain the users' privacy, yet is highly effective and at very low cost of investment for collection of toll for utilization of any expressways or any places where using of cars is involved" (Jesadanont, column 1, lines 53-58).

5. Regarding claims 2, and 4, Jesadanont, Everett and Yoshida disclose claim 1, and further Yoshida discloses read and write control unit (see for example, Figure 3 (45)) which controls read and write of the automatic toll collection information with respect to a recording medium used in the electronic toll collection system (see for example, column 2, lines 17-27, column 3, lines 61-67 continued to column 4, lines 1-67; the control unit (45) in Figure 4 and block 207 shows the recorded results, Figure 4 is a flowchart of the operation performed), and a notification unit which monitors at least the insertion state of said recording medium and notifies that said recording medium is not inserted when such a state is monitored (see for example, column 2, lines 23-25, column 4, lines 30-67; the decision making and operation is controlled by the micro processor

depend on the software program, a typical example of operation is shown in Figure 4).

6. Regarding claim 3, Jesadanont, Everett and Yoshida disclose claim 1, and further Yoshida discloses a display unit (see for example, Figure 3 (43)) which can display both the information related to the portable phone and the automatic toll collection information (see for example, column 2, lines 26-27, and Figure 5).


Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

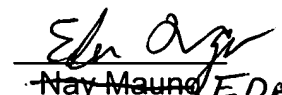
Inquiry

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shaima Q. Aminzay
(Examiner)

August, 3, 2004


Nay Maung
(SPE)
Art Unit 2684